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# OFFICE OF THE ATTORNEY GENERAL



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Rules of the road - vehicles -  
motor vehicles - licenses -  
registration

A three-wheel vehicle designed for off-the-road operation is a vehicle within the purview of Alabama Rules of the Road §§32-5A-1 through 32-5A-266, but cannot be lawfully used on the streets and highways of this state.

Dear Colonel Prescott:

You have requested of this office an opinion respecting the following question:

Would a three-wheel vehicle designed for off-the-road operation be classed as a vehicle if traveling upon a public highway or street and the operator be required to comply with Alabama statutes regarding driver license, helmet, brakes, lights, tires, etc.?

The Alabama Rules of the Road Act is found at §§32-5A-1, et seq., Code of Alabama 1975, as last amended. In §32-5A-2 it is specifically provided that

"The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

"(1) Where a different place is specifically referred to in a given section.

"(2) The provisions of sections 32-7-37, 32-7-5, 32-7-12, 32-10-1 through 32-10-12, as they now exist or may hereafter be amended, and any other statutes of this state relating to accidents and accident reports, and also sections 32-5A-190 through 32-5A-195 shall apply upon highways and elsewhere throughout the state."

Throughout the rules of the road the terms "vehicle" and "motor vehicle" are used interchangeably, and there is no specific definition set forth of either of these terms within the statute. Furthermore, motorcycles and bicycles are both specifically made subject to the provisions of the statute (§32-5A-240 and 32-5A-260, respectively).

The provisions of law respecting drivers' licenses are found at §32-6-1, et seq., Code of Alabama 1975, as last amended. This statute requires that "every person, except those specifically exempted by statutory enactment, shall procure a driver's license before driving a motor vehicle upon the highways of this state." Again, the term "motor vehicle" is not specifically defined in the statute.

The key consideration in answering your question turns upon the fact that the vehicles in question are designed specifically for off-the-road operation, and the manufacturers do not certify them for on-the-road operation. The statutes above referred to require a license for the operation of a vehicle that is powered by a motor when such operation is to take place upon the public streets and highways of the state. The term "motor vehicle" in this context must be given its common everyday meaning, to-wit: a vehicle powered by a motor, as opposed to a vehicle that is propelled by muscular force derived from an animal or human being. The operator of any motor vehicle upon the streets and highways of the state of Alabama must obey the rules of the road and the other statutes that relate to the operation of vehicles upon such streets and highways, including procurement of a driver's license before driving such a vehicle upon such streets and highways.

This office has previously held, in an opinion addressed to the Honorable D. Lamar Stroud dated August 27, 1985 that a self-propelled vehicle not designed for use upon a highway but specifically designated as an "off-the-road vehicle"

by the manufacturer thereof should not be issued a motor vehicle registration license plate. Such a vehicle is not to be used upon the streets and highways of the state, and the use of such a vehicle on the public highways prima facie constitutes a violation of §32-5A-190--reckless driving. Our holding, in this opinion, that vehicles, irrespective of the number of wheels, which are designated by the manufacturers thereof for off-the-road use are subject to all of the rules of the road should they be used, however illegally, upon the streets and highways of this state, in no way modifies the previous opinion of this office that such vehicles should not be issued license tags.

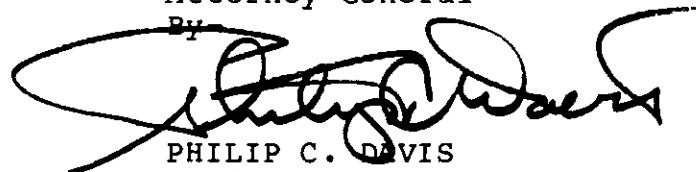
In summary we wish to emphasize that in both this opinion, and the previous one, we are holding that vehicles specifically designated by their manufacturers as off-the-road vehicles are not to be used on the streets and highways of this state. However, if one of these vehicles is operated upon the streets and highways of this state, the operator thereof is subject to all of the rules of the road and the statutes regulating the use of streets and highways, including the requirements respecting operators' or drivers' licenses.

I trust that the foregoing answers your question. If this office can be of further service to you, please let us know.

Yours very truly,

CHARLES A. GRADDICK  
Attorney General

By

A handwritten signature in dark ink, appearing to read "Philip C. Davis", written over a horizontal line.

PHILIP C. DAVIS  
Assistant Attorney General

PCD:bb